

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES:

All Track One Cases

MDL 2804

Case No.: 1:17-md-2804

Judge Dan Aaron Polster

Hearing Date: July ____, 2019

Time: ____ am/pm

CONSENT MOTION TO SEVER INSYS THERAPEUTICS, INC.

WHEREAS, on June 10, 2019, Defendant Insys Therapeutics, Inc. (“Insys”) filed a Notice of Bankruptcy Filing and Imposition of Automatic Stay (ECF No. 1670); and

WHEREAS, on June 11, 2019, in the United States Bankruptcy Court for the District of Delaware, Insys filed a motion styled “Debtors’ Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(a),” seeking a stay of certain actions, including the cases that are within this multi-district litigation and scheduled to go to trial on October 21, 2019;

WHEREAS, Plaintiffs’ counsel do not intend to oppose the stay sought by Insys in Bankruptcy Court,

It is hereby stipulated and agreed that:

1) Claims by the City of Cleveland against Insys, in the action styled *City of Cleveland v. AmerisourceBergen Drug Corp. et al.*, 1:18-op-45132, shall be severed from those pending against other defendants;

2) Claims by the County of Summit, Ohio, and the City of Akron against Insys in the action styled *County of Summit, Ohio, et al. v. Purdue Pharma, et al.*, 1:18-op-45090, shall be

severed from those claims pending against other defendants and those claims that are scheduled for trial beginning on October 21, 2019;

3) Claims by the County of Cuyahoga against Insys in the action styled *County of Cuyahoga v. Purdue Pharma L.P., et al.*, 1:17-op-45004, shall be severed from those claims pending against other defendants and those claims that are scheduled for trial beginning on October 21, 2019; and

4) In agreeing that upon Insys's severance from the Track One cases Insys' bankruptcy filing should have no effect on the Track One cases, including the trial scheduled to begin on October 21, 2019, the parties reserve all claims and defenses, and do not waive any arguments concerning any claim or defense.

Dated: July 3, 2019 *Plaintiffs' Co-Lead Counsel*

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APPROVED:

Date: July __, 2019

JUDGE DAN AARON POLSTER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of July, 2019, I have electronically filed the foregoing with the Clerk of Court using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

s/Peter H. Weinberger

Peter H. Weinberger

Plaintiffs' Liaison Counsel